

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JESSE DERRICK BOND,	)	
	)	
Plaintiff,	)	
	)	2:05cv241
v.	)	Electronic Filing
	)	
FNU RHODES, et al.,	)	Judge Cercone
et al.,	)	Magistrate Judge Caiazza
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on February 23, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on April 12, 2006, recommended that the Defendants' Motion to Dismiss or, in the alternative, for a more definite statement be denied. It was further recommended that all of Plaintiff's state law actions, except for the conversion of property claim, be dismissed with prejudice because the Plaintiff has failed to state a claim upon which relief may be granted. Finally, it is recommended that the Plaintiff's First Amendment right of access to the courts claim be dismissed, without prejudice.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Graterford, Graterford, Pennsylvania, where he is

incarcerated and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

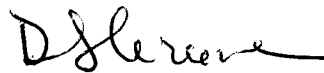
AND NOW, this 7<sup>th</sup> day of June, 2006

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss or, in the alternative, for a more definite statement is DENIED.

IT IS FURTHER ORDERED that all of Plaintiff's state law actions, except for the conversion of property claim, are DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Plaintiff's First Amendment right of access to the courts claim are DISMISSED, without prejudice.

The Report and Recommendation of Magistrate Judge Caiazza, (Document No. 39), dated April 12, 2006, is adopted as the opinion of the court.



David Stewart Cercone  
United States District Judge

cc: Honorable Francis X. Caiazza  
United States Magistrate Judge

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